

Federal Communications Commission

DA 99-1665

AUG 25 10 47 AM '99

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
Table of Allotments,	)	
FM Broadcast Stations.	)	
	)	
(Kensett, Arkansas)	)	MM Docket No. 99-99
	)	RM-9484
	)	
(Somerton, Arizona)	)	MM Docket No. 99-100
	)	RM-9491
	)	
(Augusta, Kansas)	)	MM Docket No. 99-101 ✓
	)	RM-9494
	)	
(Wellton, Arizona)	)	MM Docket No. 99-102
	)	RM-9495
	)	
(Center, Colorado)	)	MM Docket No. 99-105
	)	RM-9508
	)	
(La Veta, Colorado)	)	MM Docket No. 99-107
	)	RM-9510
	)	
(Walsenburg, Colorado)	)	MM Docket No. 99-109
	)	RM-9512
	)	
(Taft, California)	)	MM Docket No. 99-111
	)	RM-9539
	)	
(Cimarron, Kansas)	)	MM Docket No. 99-113
	)	RM-9544

**REPORT AND ORDER**  
**(Proceeding Terminated)**

Adopted: August 11, 1999

Released: August 20, 1999

By the Chief, Allocations Branch:

1. The Commission has before it for consideration a multiple docket Notice of Proposed

Rule Making ("NPRM"), as specified below, setting forth separate proposals to allot channels to specific communities. The proposals set forth in the above-captioned NPRM were not mutually exclusive with each other, and those that remain so are consolidated in this Report and Order as part of our effort to expedite and make more efficient the FM allotment rulemaking process because these proceedings are uncontested. While consolidated, these dockets are still separate for finality purposes. In the event a reconsideration petition is directed to an action in a particular docket, a separate Memorandum Opinion and Order will resolve that reconsideration petition.

2. Each petitioner filed comments in support of its proposal, reaffirming its intention to apply for the specified channel, if allotted. Each proposal complies with all Commission technical requirements, and we continue to believe that each proposal would serve the public interest. Accordingly, we adopt each proposal, as follows:

**(1) MM Docket No. 99-99; RM-9484; 14 FCC Rcd 4567 (1999)**

**Action:** At the request of White County Broadcasters, we are allotting Channel 289A to Kensett, Arkansas, as that community's first local aural transmission service.

**Coordinates:** 35-14-00 NL and 91-39-54 WL

**Additional Information:** Channel 289A can be allotted to Kensett without a site restriction.

**FCC Contact:** Nancy Joyner, (202) 418-2180.

**(2) MM Docket No. 99-100; RM-9491, 14 FCC Rcd 4567 (1999)**

**Action:** At the request of L. Topaz Enterprises, Inc., we are allotting Channel 260C3 to Somerton, Arizona, as that community's first local aural transmission service.

**Coordinates:** 32-35-00 NL and 114-35-05 WL

**Additional Information:** Channel 260C3 can be allotted to Somerton with a site restriction 11.8 kilometers (7.4 miles) east of the community to avoid a short-spacing to the licensed site of Station KGBA(FM), Channel 261A, Holtville, California, at coordinates 32-48-10 NL and 115-29-53 WL, as well as to the site specified in the construction permit issued to Station KGBA(FM), at coordinates 32-47-40 NL and 115-29-53 WL. Additionally, as Somerton is located within 320 kilometers (199 miles) of the U.S-Mexico border, concurrence of the Mexican government to this allotment was obtained.

**FCC Contact:** Nancy Joyner, (202) 418-2180

**(3) MM Docket No. 99-101; RM-9494; 14 FCC Rcd 4567 (1999)**

**Action:** At the request of L. Topaz Enterprises, Inc., we are allotting Channel 263A to Augusta, Kansas, as the community's second local FM transmission service.

**Coordinates:** 37-41-12 NL and 96-58-30 WL

**Additional Information:** Channel 263A can be allotted to Augusta without a site restriction.

**FCC Contact:** Nancy Joyner, (202) 418-2180.

**(4) MM Docket No. 99-102; RM-9495; 14 FCC Rcd 4567 (1999)**

**Action:** At the request of L. Topaz Enterprises, Inc., we are allotting Channel 240A to Wellton, Arizona, as that community's second local FM transmission service.

**Coordinates:** 32-40-18 NL and 114-08-18 WL

**Additional Information:** Channel 240A can be allotted to Wellton without a site restriction. Additionally, as Wellton is located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence of the Mexican government to this allotment was requested but has not been received. However, in an effort to introduce an additional FM service to Wellton, we shall grant the proposal with the following interim condition: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to a hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement, or if specifically objected to by Mexico."<sup>1</sup>

**FCC Contact:** Nancy Joyner, (202) 418-2180

**(5) MM Docket No. 99-105; RM-9508; 14 FCC Rcd 4567 (1999)**

**Action:** At the request of Mountain West Broadcasting, we are allotting Channel 287A to Center, Colorado, as that locality's first local aural transmission service.

**Coordinates:** 37-45-00 NL and 106-06-24 WL

**Additional Information:** Channel 287A can be allotted to Center, Colorado, without a site restriction.

**FCC Contact:** Nancy Joyner, (202) 418-2180.

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<sup>1</sup>The announced condition is a temporary measure as our engineering analysis has determined that the proposed allotment of Channel 240A at Wellton complies with the Agreement. Therefore, upon the receipt of an official response from the Mexican government, the referenced condition may be removed.

**(6) MM Docket No. 99-107; RM-9510; 14 FCC Rcd 4567 (1999)**

**Action:** At the request of Mountain West Broadcasting, we are allotting Channel 277A to La Veta, Colorado, as that community's first local aural transmission service.

**Coordinates:** 37-30-54 NL and 105-00-18 WL

**Additional Information:** Channel 277A can be allotted to La Veta, Colorado, without a site restriction.

**FCC Contact:** Nancy Joyner, (202) 4418-2180.

**(7) MM Docket No. 99-109; RM-9512**

**Action:** At the request of Mountain West Broadcasting, we are allotting Channel 267C3 to Walsenburg, Colorado, as that community's second local FM transmission service.

**Coordinates:** 37-37-27 NL and 104-46-47 WL

**Additional Information:** Channel 267C3 can be allotted to Walsenburg, Colorado, without a site restriction.

**FCC Contact:** Nancy Joyner, (202) 418-2180.

**(8) MM Docket No. 99-111; RM-9539**

**Action:** At the request of Mountain West Broadcasting, we are allotting Channel 293A to Taft, California, as that community's second local FM transmission service.

**Coordinates:** 35-08-18 NL and 119-27-30 WL

**Additional Information:** Channel 293A can be allotted to Taft, California, without a site restriction.

**FCC Contact:** Nancy Joyner, (202) 418-2180.

**(9) MM Docket No. 99-113; RM-9544**

**Action:** At the request of Nancy Puopolo, we are allotting Channel 222A to Cimarron, Kansas, as that community's first local aural transmission service.

**Coordinates:** 37-48-41 NL and 100-23-09 WL

**Additional Information:** Channel 222A can be allotted to Cimarron with a site restriction 3.4

kilometers (2.1 miles) west of the community to avoid a short-spacing to Station KONQ(FM), Channel 220A, Dodge City, Kansas, at coordinates 37-46-33 NL and 100-02-12 WL.

**FCC Contact:** Nancy Joyner, (202) 418-2180.

3. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective October 4, 1999, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Somerton, Arizona	260C3
Wellton, Arizona	240A, 283C2
Kensett, Arkansas	289A
Taft, California	280A, 293A
Center, Colorado	287A
La Veta, Colorado	277A
Walsenburg, Colorado	267C3, 272C3
Augusta, Kansas	263A, 283C2
Cimarron, Kansas	222A

4. The window period for filing applications for these allotments will not be opened at this time. Instead, the issue of opening a filing window for these allotments will be addressed by the Commission in a subsequent order.

5. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

6. For further information concerning a specific docket, contact the FCC Contact person listed above for that docket. Questions related to the application filing process should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau